

(vi) Witnesses should be examined continuously. It was better to finish five cases soon than to attempt to hear fifty cases soon and finish none. It would also help the court understanding and disposing of suits quickly.

(vii) Judgments should be delivered as soon as possible after the cases were heard.

(viii) Stamp paper should not be insisted on for copies of documents filed in suits.

(ix) Copies of documents should be issued soon.

(x) Rules regarding appointment of guardians for suits against minors should be suitably notified so as to remove the inconvenience caused to parties at present.

(xi) *Kaichittus* produced by Amins in evidence of delivery of possession of immovable property in execution of decrees should be preserved in the same way as registered documents.

31. Administration of the Judicial Department.

MR. A. R. RAMAN PILLAI (*Member, Parur taluk*) said that he regretted very much to observe that the condition of the Judicial Department today was far from satisfactory. This was mainly due to the fault of the officers of the department. They looked upon the public as their dependants or servants. Some of them went to the extent of ill-treating parties who wore neat dress in court. Nor was any proper enquiry held into the conduct of these officers when an accusation was brought against them.

Committees should be appointed in each locality, for the purpose of enquiring into the conduct of officers and each such committee should consist of the officer next superior to the man against whom the complaint was made, the S. M. P. A. member of the taluk and also the local member of the Legislative Council. The committee should enquire into the conduct of the officer and submit its report to the High Court or the Government who should pass final orders on the report. The Judges of the High Court should of course be exempted from such enquiries.

The Nayar Regulation provided for the appointment of assessors; nobody knew on what basis these assessors were being nominated by Government or how long they were to remain in office. They should, in the first place, be men of standing. Secondly they should be elected by the people themselves. Every Nayar who paid a land-tax to Government should be eligible to vote at the elections. Four assessors should be elected from each Kara. They should hold office for not more than four years.

All officers of the Judicial Department should be transferred once in three years. The period might even be reduced to two years. In regard to transfer of superior officers, Government were already devoting some attention; but not about ministerial officers. One of the Judges of the High Court should be deputed to look into the question and to see that all officers who had served for more than three years in the same

locality were transferred forth-with. For the future one of the Judges of the High Court should be deputed to attend to this work for one month every year.

Government should attach more value to the statements appearing in the Press with reference to the conduct of officers, particularly officers of the Judicial Department. There was indeed the risk that all statements made in a newspaper might not be well-founded. But this risk could be considerably eliminated by prosecuting papers which purveyed false news. Ordinarily therefore there was no harm in Government acting upon a report in a newspaper. The result of the enquiries held on such reports might also be published in the columns of the paper which published the reports.

The following measures should be taken for securing speedy disposal of suits:—

(a) Either party in a suit should be required to file duplicate copies of the documents he put into court, so that one copy might be given to the opposite party.

(b) Witnesses who appeared in court in accordance with a summons, but who could not be examined on that day, should be required to agree in writing that they would appear on another day appointed by the court. They should, of course, be given the batta for the second day, but the party citing them could be spared the cost of a second process.

(c) A few gentlemen of standing should be nominated by Government in each kara, whose attestations it should be the duty of all amins and peons to secure to the reports they submitted to court in connection with the service of summons and warrants, conduct of auctions, delivery of property etc. Reports not attested by these gentlemen should not be accepted by the court.

(d) The rule requiring the presiding officer himself to record depositions should be strictly enforced.

(e) Parties and witnesses appearing in court should be called precisely as the court assembled and all cases which could not be taken on that day should be adjourned at once. Many persons could thus be saved the trouble of waiting all the day long in the court.

(f) All presiding officers should be required to attend court precisely at 11 A. M. every day.

(g) Enquiries should be made as to the attesting of affidavits by head clerks and Sheristadars.

(h) Execution cases should be taken at 11 A. M. every day and warrants should be issued before 4 P. M. If the presiding officer was on leave on a day, warrants should be issued at 11 A. M. the next day. Head-clerks should never be authorised to issue warrants.

(i) Judges of the High Court should make surprise inspections at least thrice in a year. They should also make enquiries among the local people on these occasions.

(j) District Judges should be authorised to examine all records in Munsiffs' Courts.

(k) Cases should be taken up for hearing in their serial order and adjournments made also in that order.

The Judicial Department should be reorganised on the following lines:—

(a) More Village Panchayat Courts and Bench Magistrates' courts should be established.

(b) Third Class Magistrates' courts should be established wherever necessary.

(c) With a view to relieving the pressure of work in two courts with extensive jurisdictions situated at some distance from each other, the Magistrates in the intervening areas should be invested with Munsiffs' powers and *vice versa*.

(d) Quarterly statements of suits disposed of, judgments not appealed against, and of judgments confirmed in appeal should be obtained from each judicial officer and promotions should be given on the basis of efficiency as revealed by these statements.

(e) Seating arrangements should be made for the convenience of parties attending courts.

(f) Judicial officers not well-versed in Malayalam should not be appointed in courts in North Travancore.

(g) Provision should be made for having three judges well acquainted with Marumakkatayam Law at all times in the High Court.

(h) Parties should be allowed to be represented by counsel both in civil and criminal cases except when their personal attendance was absolutely necessary.

(i) Instructions should be issued prohibiting the use of printed forms for making covers.

(j) The rules regarding the delivery of judgments within a week after the final hearing should be strictly enforced.

(k) The territorial jurisdictions of courts should be re-distributed.

(l) Copies of documents written on one chackram stamp paper and produced by a party along with the original should after comparison with the original be certified by the court and returned to the same party.

32. Administration of Civil Justice.

MR. C. K. KRISHNA PILLAI (*Member, Municipal Council, Mavelikara*) expressed satisfaction that the heavy pendency in the disposal of suits by subordinate civil courts had attracted the attention of Government, and proceeded to furnish more statistics of such pendency.

The member suggested the following remedies to put an end to this state of affairs:—

(i) Additional Second Judges and Munsiffs should be appointed temporarily for one year in order to clear the existing arrears. The report of the Civil Justice Committee appointed by the Government of India in 1924 was quoted in support of this proposal.